

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH LYNN DURAN,

Defendant.

4:22CR3092

ORDER

The court has been notified that Defendant will not be entering a plea of guilty on February 22, 2023.

Accordingly,

IT IS ORDERED:

- 1) The change of plea hearing is continued pending further order of the court. **It will not be reset until the court receives signed plea paperwork.**
- 2) A telephonic conference with counsel will be held before the undersigned magistrate judge at 10:00 a.m. on March 16, 2023 to discuss the date of the jury trial and the deadlines for Rule 16 expert disclosures, or further disclosures under Rules 16(a)(1)(G) and/or 16(b)(1)(C) of the Federal Rules of Criminal Procedure. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call. Unless the court states otherwise, Defendants are excused from and need not attend this hearing.
- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and March 16, 2023 shall be deemed excludable time in any computation of time under the

requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 22nd day of February, 2023.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge